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March 9, 2016

The Honorable Robert D. Mariani
William J. Nealon Federal Courthouse
235 North Washington Avenue
Scranton, PA 18509

Re: United States v. Rodriguez
No. 3: CR-15-203

Dear Judge Mariani:

Please accept this sentencing letter in lieu of a formal sentencing memorandum. Since Your Honor is well aware of the sentencing standards set forth in *United States v. Booker*, 543 U.S. 220, 125 S. Ct. 738 (2005), the Third Circuit cases interpreting *Booker* and the sentencing factors established in 18 U.S.C. § 3553, they will not be reiterated here. Instead, the most relevant factors, *viz.*, the nature and circumstances of this offense, and the history and characteristics of the Defendant, Efrain Rodriguez, will be addressed.

As reflected in the presentence report (PSR), on July 23, 2015, Mr. Rodriguez slashed the face of another inmate with a sharp weapon. The victim now has a permanent scar on each cheek. While Rodriguez had a “reason” for assaulting the other inmate, nothing excuses his conduct.

Efrain Rodriguez has a Total Offense level of 21, a criminal history category of VI and advisory guidelines of 77 – 96 months. (PSR ¶ 72). From the outset, Rodriguez accepted responsibility for his crime, and for reasons detailed in this letter, Rodriguez respectfully requests that the Court consider a variance to a sentence slightly below these guidelines.

Rodriguez began life in a poor, uneducated family in Ponce, Puerto Rico. His father was murdered when Efrain was eight years old. His mother died when he was 15 years old. His brother, Tito, was murdered when Tito was 20 years old. Efrain had little schooling, and arrived in California speaking only Spanish. While the presentence report states that his parents “provided necessary items during his childhood and were supportive,” (PSR ¶ 56), Efrain Rodriguez’s childhood was marred by violence, death, and minimal education. He began to use drugs when he was a teenager, and that addiction has haunted all of his relationships, and contributed to his long history of criminal activity. He contracted AIDS.

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Finally, at age 43, Efrain Rodriguez is determined to go home to his son, now 25 years old, and his son's baby boy. He will bring pictures of the family members he has waiting for him to his sentencing

The birth of Efrain Rodriguez's now 7 month old grandson was a turning point. He accepts that he will not meet this little boy for several years, but wants desperately to be a part of this child's life. Rodriguez's criminal history is significant, and drives his sentencing guidelines. However, he is more than just his criminal history category. Without guidance and with minimal help, and within the confines of prisons, Efrain overcame understandable and severe depression, worked to manage his long standing addiction, and learned English. Despite the reality that his English is imperfect, he does not want an interpreter. Rodriguez has an internal core of confidence and generally, a sunny disposition. He recognizes that he needs help with making good decisions, with controlling his impulses, with using words and not weapons to settle disputes. While prison culture can put an inmate in a tough spot, Rodriguez knows that he handled poorly the situation that resulted in this assault. Efrain Rodriguez regrets severely injuring the victim and ask himself constantly, "Why?" He is determined to leave the Bureau of Prisons with tools to control his emotions, control his addictions, and a skill to earn a living home in Puerto Rico.

Given his age, his sea change in attitude, his determination to get legitimate employment, and the support of his family, Rodriguez respectfully requests this Court consider a variance of seven months from the bottom of the guidelines, with a sentence of 70 months. Such a sentence is adequate to punish Rodriguez, protect the public, and deter others.

Respectfully submitted,

\s\Ingrid S. Cronin

Ingrid S. Cronin
Assistant Federal Public Defender

ISC/ja

cc: Efrain Rodriguez